

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS", TO ESTABLISH ARTICLE III, TO BE ENTITLED "SEX OFFENDERS" AND ESTABLISHING SECTION 16-31, ENTITLED SEX OFFENDER RESIDENCY PROHIBITION," PROHIBITING SEX OFFENDERS CONVICTED UNDER CERTAIN FLORIDA STATUTES FROM LIVING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the recent attacks on children by registered sex offenders within the State of Florida has shed light upon the necessity of providing greater protections to children from the risks posed by registered sex offenders; and

WHEREAS, the Davie Town Council is deeply concerned about the health, safety and protection of Davie's children; and

WHEREAS, the Davie Town Council believes it is of the utmost importance to provide Davie's children with safe areas in which to congregate and therefore, the Davie Town Council desires to establish a policy that will provide greater protections to children against the dangers posed by registered sex offenders; and

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution and §166.021, Florida Statutes grant the Town the authority to protect the health, safety and welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1: Chapter 16 of the Code of Ordinances of the Town of Davie shall be amended to read:

ARTICLE III. SEX OFFENDERS

Sec. 16-31. Sex offender residency prohibition

- (a) It is unlawful for any person who has been convicted of a violation of §§794.011, 800.04, 827.071 or 847.0145 Fla. Stat., regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to reside within 2,500 feet of any school, designated public school bus stop, day care center, park (including linear parks), playground or other place where children regularly congregate.
- (b) A person who violates this section and whose conviction under §§794.011, 800.04 827.071, or 847.0145, Fla. Stat., was classified as a felony of the third degree, second degree, first degree or higher, shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment; for a second or subsequent conviction of a violation of this section, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the county jail not more than 12 months, or by both such fine and imprisonment.

(c) This section applies to any person convicted of a violation of §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., for offenses that occur on or after October 1, 2004.

SECTION 2: All ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4: This Ordinance shall take effect immediately upon its passage.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005

PASSED ON SECOND AND FINAL READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005

# TOWN OF DAVIE

**DATE:** APRIL 25, 2005

**TO:** CHRIS KOVANES, TOWN ADMINISTRATOR  
**CC:** MAYOR AND TOWN COUNCIL  
ASSISTANT TOWN ADMINISTRATOR  
TOWN ATTORNEY

**FROM:** SUSAN STARKEY, COUNCILWOMAN 

**SUBJECT: DAVIE CHILD SAFETY ACT - Distance Separation/Safety Zone Proposal**

This memorandum serves as a follow up to my recent request at the April 20<sup>th</sup> Town Council Meeting for the Proposed City of Miami Beach "Distance Separation Ordinance" (Sexual Offender) and pursuant to my request on April 21<sup>st</sup> to place the Distance Separation/Safety Zone ordinance on the May 4<sup>th</sup>, 2005 Town Council Agenda. I have met with the Town Attorney Monroe Kiar on Thursday and requested that this item be a priority for discussion and immediate consideration of the Town Council.

**Background:**

In light of the recent events that have taken place in the State of Florida regarding the kidnaping and murder of young children by person who have been previously convicted of sex crimes I am proposing the "Davie Child Safety Act". It is my hope that this proposal is one that will afford our children and families an additional layer of protection. Further it will give our police department another investigative resource.

**Recommendation:**

This proposal will increase by home rule the "Distance Separation" currently listed in the Florida State Statue regarding sex offenders. The following areas will be afforded and additional 1,500 feet of protection from these sex offenders and sex predators to the existing 1,000 feet;

- Schools, public or private
- School bus stops public or private
- Daycare centers
- Parks, playgrounds and trails
- or any other place where children regularly gather



**Application:**

Person(s) that this will apply to;

Any person who commits a violation of FSS 794.011, 800.04, 827.071 or 847.0145 regardless whether adjudication has been withheld.

**Concurrences:**

**Town Administrator:**

It is important that this proposal be given a top priority by staff as we are quickly approaching the summer months when our children will be most vulnerable. I request first reading on this ordinance by the first meeting in June 2005.

**Town Attorney:**

It is requested that the Town Attorney review the applicable state law for any conflicts. Further that contact is made with the City Attorney of Miami Beach regarding the attached exhibit of the proposed ordinance. Input on the proper punishment upon violation of this ordinance.

**Development Services:**

To review and create the "Distance Separator / Safety Zone" to include the listed areas and business. Make contact with the School Board of Broward county to obtain the current list of schools, school bus stops.

**Police Department:**

That the police department provide to the Town Attorney a current listing of sexual offenders residing within the Town of Davie. That this listing will also be provided to the Development Service Department. A Recommendation by the police department for keeping the list of sexual offenders/predators current and available for public access by internet and posted in all public buildings within the town.

**Child Safety Board and Education Advisory Board:**

The boards be convened as soon as possible to review the proposed ordinance for their review.

**Attached background:**

Proposed Davie Ordinance

Proposal by the City of Miami Beach recently approved

News Release April 19, 2005, Attorney General, *Supporters Push for Anti-Murder Act*

Sun Post April 15<sup>th</sup>, 2005, *Beach Mayor Promises Tax Rebate, Seeks Tougher Sex*

*Offender Legislation*

Sun-Sentinel April 16<sup>th</sup>, 2005, *Miami Beach may consider tough law for sex offenders*

Statutes & Constitution: Search "Sex Offender"

- (a) It is unlawful for any person who has been convicted of a violation of §§794.011, 800.04, 827.071 or 847.0145, Fla. Stat., regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to reside within 2,500 feet of any school, designated public school bus stop, day care center, park, playground, trail or other place where children regularly congregate.
- (b) A person who violates this section and whose conviction under §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., was classified as a felony of the third degree, second degree, first degree or higher, shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment; for a second or subsequent conviction of a violation of this section, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the county jail not more than 12 months, or by both such fine and imprisonment.
- (c) This section applies to any person convicted of a violation of §§794.11, 800.04, 827.071, or 847.0145, Fla. Stat., for offenses that occur on or after October 1, 2004.

## **SECTION 2. REPEALER**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

## **SECTION 3. SEVERABILITY**

If any section, subsection or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.


## **SECTION 4. CODIFICATION**

It is the intention of the Mayor and Town Council of the Town of Davie, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the Town of Davie Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be change to "section," "article," or other appropriate word.

## **SECTION 5. EFFECTIVE DATE**

This ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

SDS 

*C/m Stanley*

# MEMORANDUM

## TOWN CLERK'S OFFICE

TO: Mayor  
Councilmembers  
Chris Kovanes, Town Administrator  
Kenneth Cohen, Assistant Town Administrator  
Monroe D. Kiar, Town Attorney

FROM: Russell C. Muniz, CMC, Town Clerk

DATE: April 25, 2005

SUBJECT: Sexual Offender Ordinance

*April 26<sup>th</sup>  
By C/m Stanley*

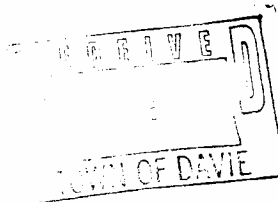
Please review the attached proposed ordinance from the City of Miami Beach. This issue was recently discussed at one of our Council meetings, and I thought you might want to review this document found by one of my staff members.

Comments:

*Further research is needed by  
town attorney and place on next  
town council agenda for discussion*

Date	Initials/reviewed by
------	----------------------

RCM:rcm





**CITY OF MIAMI BEACH**  
**OFFICE OF THE MAYOR & COMMISSION**  
**MEMORANDUM**

*C: Bob  
Don  
Tim  
L/K*

*Russell  
FYI  
Parr*

**TO:** JORGE M. GONZALEZ  
CITY MANAGER

**FROM:** DAVID DERMER  
MAYOR *[Signature]*

**DATE:** APRIL 14, 2005

**RE:** DISTANCE SEPARATION

Please place on the 4/20/05 City Commission Agenda for first reading and referral to the Neighborhood/Community Affairs Committee prior to second reading.

Attached is a proposed ordinance which would mandate that designated sexual offenders reside at least 2,500 feet from schools, daycare centers, parks, playgrounds or any other areas where children congregate.

Agenda Item R94  
Date 4-20-05

- (a) It is unlawful for any person who has been convicted of a violation of §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to reside within 2,500 feet of any school, designated public school bus stop, day care center, park, playground, or other place where children regularly congregate.
- (b) A person who violates this section and whose conviction under §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., was classified as a felony of the third degree, second degree, first degree or higher, shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment; for a second or subsequent conviction of a violation of this section, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the county jail not more than 12 months, or by both such fine and imprisonment.
- (c) This section applies to any person convicted of a violation of §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., for offenses that occur on or after October 1, 2004.

## SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

## SECTION 3. SEVERABILITY

If any section, subsection or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

## SECTION 4. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

## SECTION 5. EFFECTIVE DATE

This ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION:

  
City Attorney

4-15-05  
Date

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "MISCELLANEOUS OFFENSES," TO CREATE ARTICLE VI, TO BE ENTITLED "SEX OFFENDERS" AND CREATING SECTION 70-400, ENTITLED "SEX OFFENDER RESIDENCY PROHIBITION," PROVIDING FOR A PROHIBITION FROM SEX OFFENDERS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES FROM LIVING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE CITY OF MIAMI BEACH; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of Miami Beach are deeply concerned about the numerous recent occurrences in our state and elsewhere, whereby convicted sex offenders who have been released from custody repeat the unlawful acts for which they had originally been convicted; and,

WHEREAS, the Mayor and City Commission of the City of Miami Beach find from the evidence the recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes on children; and,

WHEREAS, the City is becoming an increasingly attractive place of residence for younger families with small children; and,

WHEREAS, the Mayor and City Commission of the City of Miami Beach desire to establish policy which provides the maximum protection of the lives and persons in the City of Miami Beach; and,

WHEREAS, Article VIII, Section 2(b), Florida Constitution and §166.021, Fla. Stat., provide the City authority to protect the health, safety and welfare of its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 70 of the Code of the City of Miami Beach entitled "Miscellaneous Offenses" be amended to read:

**ARTICLE VI. SEX OFFENDERS**

**Sec. 70-400. Sex offender residency prohibition.**



April 19, 2005

#### **Attorney General, Supporters Push for Anti-Murder Act**

TALLAHASSEE - Attorney General Charlie Crist today was joined by law enforcement officials and victim advocates, including the parents of three murdered young Floridians, in urging swift passage of the Anti-Murder Act of 2005. Among those with Crist were Mark Lunsford, father of murder victim Jessica Lunsford; Kay and Mark Shukwit and Mark Shukwit Jr., the mother, step-father and step-brother of Deltona murder victim Michelle Ann Nathan; and victim advocate and "America's Most Wanted" host John Walsh, father of murder victim Adam Walsh.

Crist noted that some 100 of Florida's 160 legislators have signed on as co-sponsors of the legislation (SB 608 and HB 451) and one committee in each chamber has approved the bill unanimously. However, the Attorney General said time is running short in the legislative session and the bill should be fast-tracked to assure its swift passage.

"Florida's children are being kidnapped, raped and murdered. We must act to ensure their safety," said Crist. "Ultimately, the question is not whether we can afford to pass this legislation, it is whether we can afford not to. Our commitment to the safety of our citizens, our children, is being tested and we must respond promptly."

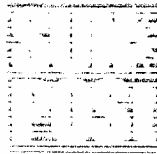
The Anti-Murder Act would require that violent offenders who violate probation be confined until a judge holds a "danger-to-the-community" hearing. If the violator is found to be a danger, he or she would be sent back to jail.

Crist said recent events should compel the Legislature into quick action. The legislation comes at a time when the state is mourning the deaths of its two most recent young victims, nine-year-old Jessica Lunsford of Homosassa in March and 13-year-old Sarah Lunde of Ruskin just this week. Last year, Floridians were similarly shocked by two other tragic cases, the abduction and murder of 11-year-old Carlie Brucia in Sarasota in February 2004 and the brutal beating deaths of Michelle Ann Nathan, Anthony Vega, Erin Belanger, Francisco Ayo-Roman, Roberto "Tito" Gonzalez and Jonathan Gleason in Deltona last August. In each of the four cases, the individuals charged with leading the attacks were former felons who were enjoying their freedom despite a history of criminal offenses and probation violations.

"The time is now for Florida legislators to really make a difference. This is an opportunity for Florida to be a loud, loud voice for victims and lead by example for the nation," said Walsh, a Floridian who co-founded the National Center for Missing and Exploited Children after his son's 1981 murder.

Joining Crist, Walsh and the victims' families at a news conference was legislative sponsor Rep. Bruce Kyle, as well as representatives of statewide public safety organizations that have endorsed the Anti-Murder Act. Endorsing organizations include the Florida Sheriffs Association, the Florida Police Chiefs Association, the Florida Prosecuting Attorneys Association, the Florida PBA, the Florida Coalition Against Domestic Violence, the National Rifle Association and Unified Sportsmen of Florida. The Senate sponsor of the legislation is Sen. Rudy Garcia.

The Anti-Murder Act has been passed unanimously in both the House Criminal Justice Committee and the Senate Judiciary Committee. The bill would create a new definition of "forcible felony violator" to cover any probation violator who has a forcible felony in his or her past. This group of probation violators could not be granted bail without first having a hearing, and before a court could release a forcible felony violator the judge would be required to hold a "danger to the community" hearing to assess the offender's likelihood of committing another crime that could cause physical harm. If the court finds that the forcible felony violator does not pose a danger to community, the judge must enter a written order stating that. The proposal would give judges the opportunity to affirmatively decide that a forcible felony violator is – or is not – too great a risk to be released. Offenders found to be a danger to the community may not be returned to probation and must be sentenced to prison.



[Plain Text Version](#) [EMAIL THIS](#)

## South Beach De for Grai

APR

By Mark Scopetta  
Contributing Writer

## City Orders Condominiu Due to Safe

Miami Beach's mayor laid out his plans for 2005 at the State of the City Address, last Friday.

During the address, Mayor David Dermer promised to propose a law that would further restrict where released sexual predators can live in Miami Beach.

And since Miami Beach is doing well fiscally, Dermer also vowed to present a resolution that would give residents a "tax rebate."

Breaking ne

• opt-in



### Best of The Beaches 2004

"I am proposing legislation for an Urban Impact Compensation Fund. If residents choose to get some of their tax money back from the government, they can participate in the program," Dermer said.



### Power Women of Real Estate

Dermer started his speech by talking optimistically about the state of the city's economy, emphasizing it was Miami Beach's boom that helped the rest of the county's economy prosper.

"From every indicator, we continue to be the economic engine that drives the entire region," said Mayor Dermer. "Our tourism industry has never been as successful in our city as it is today. And the trend continues to move upward."



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### Power Developer of Real Estate

The city itself is also on a solid footing financially.

"The increase in property assessments, in conjunction with this [Miami Beach City] Commission's policies of fiscal discipline, has had a positive impact on our city's fiscal health," Dermer said. "Over the last four years, [the city's] reserves have grown by almost 40 percent. ... Miami Beach's bond rating is the highest in the history of the city and amongst the highest of any

There was plenty  
at Timbaland's Pt  
Beach Ball Festiv  
nutritious, right?



Sunpost 50  
2004

tourist-dependent city in the state and in neighboring states."

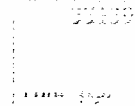
But along with this booming prosperity comes a cost to residents.

"There's a boom all right. But what about our year-round residents?" Dermer asked in his speech. "Many have had to tolerate greater traffic, noise, parking woes and at times, well, let's just say general inconvenience. Their quality of life has changed while living in a more urban environment. The time has come, as a government, to do for our residents who have borne the negative impacts of an urban environment."

Just before AIDS Resource's spoke himself to the Sur

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Dermer said more details of his Urban Impact Compensation Fund will be unveiled at the April 20 Miami Beach City Commission meeting and that City Manager Jorge Gonzalez and City Attorney Murray Dubbin have been "very receptive to this initiative," adding that Gonzalez "has structured an administrative mechanism to allow for our year-round residents to get some of their money back."



An Internet Television Show

"There are those who commend a politician as being 'visionary' when he or she is standing in the middle of a real estate deal wearing a hard hat or figuring out innovative ways to move public dollars into the cupped hands of private individuals," Dermer said. "Frankly, this is not my vision of good government, no matter how it's packaged. My vision for our city and its continued success is to provide the best police, fire, sanitation and parks, to have an efficient Public Works Department and Capital Improvement Office. ... Great city governments are defined by what they give back to the entire community, not just to the privileged few.

"In a city brimming with progressive ideas, one which gives the opportunity for residents to get money back from the government should not be passed over," Dermer added.

Another issue the mayor plans to pursue is stricter laws for sex offenders.

"Our city has a lot of children and it is imperative that we do whatever we can to protect them," Dermer said.

According to the mayor, the city of Miami Beach has 36 registered sexual offenders living within its municipal boundaries, six of whom are sexual predators. Dermer feels current state laws aren't enough to protect the children.

"Under Florida law, registered sexual offenders cannot reside within 1,000 feet of any school, school bus stop, park or place where children congregate. One-thousand feet is just not far enough," said the Mayor.

Dermer said the distance requirement should be raised to 2,500 feet, a little less than half a mile.

"I was researching the law on sex offenders and I discovered

that adult bookstores cannot come within 2,500 feet of schools or where kids congregate," Dermer said. "I figured if it's OK to keep adult bookstores that far away, why not sex offenders?"

Dermer was quick to address possible criticisms that he was effectively kicking these people off the island.

"Some will argue that this is too restrictive and [we] are in effect zoning these convicted criminals out of [this] city," Dermer said. "My response is simple. It is our city's obligation to do everything within our health, safety and welfare powers to protect our children."

Dermer also spoke on Miami-Dade Transit's takeover of the once city-run Electrowave route in South Beach, insisting the transfer will save the city money.

"Recently, the City Commission accepted the County's offer to take over the electric shuttle route," said Dermer. "The new service will double the current route and save the city approximately \$1 million a year while maintaining the same rider fee."

Riders of the Electrowave only had to pay 25 cents. Miami-Dade bus riders have to pay a fare of \$1.50.

Dermer said the city is also negotiating with the county to allow "a greater share of RDA dollars to enter our general fund." The RDA, or Redevelopment Agency, oversees two redevelopment districts in South Beach: the South Pointe redevelopment district, set up in the 1970s and located south of Sixth Street; and the City Center Redevelopment District, established in 1992 and including Collins Avenue properties neighboring the Royal Palm Crowne Plaza and Loews hotels as well as Lincoln Road and the Collins Park area. Any property taxes collected through increase of value from the time the districts were set up are trapped in their respective districts for the purposes of removing "blight and slum."

The city's deal with the county will "infuse" \$50 million into the general fund meant to pay for city services. "That's \$50 million!" Dermer said, crediting the Miami City Commission and City Manager Gonzalez with "negotiating and ratifying the new interlocal" agreement.

Dermer also praised Gonzalez and the commission for negotiating a five-year "flat fee" contract with the Greater Miami Convention and Visitors Bureau that he said will save the city "an estimated \$8 million."

At the end of his address, Mayor Dermer invited attendees to step outside to celebrate the City of Miami Beach's 90th anniversary by burying a time capsule. The capsule will remain underground for the next 60 years, just in time for the city's 150th anniversary.

— Executive Editor Erik Bojnanksy contributed to this story.

## Miami Beach may consider tough law for sex offenders

By Chrystian Tejedor  
Miami Bureau

### LOCAL NEWS

Miami Beach City Commissioners could soon vote on a proposal that would virtually bar sexual offenders from living in the city.

Citing the need to protect children from "ticking time bombs," Mayor David Dermer wants Miami Beach to keep the city's 36 registered sex offenders from living within a half mile of any school, school bus stop, park, or any place where children congregate.

The mayor's proposal, first mentioned recently in his State of the City address,

comes after the Feb. 23 disappearance of Jessica Lunsford, a Homosassa girl. Police said registered sex offender John Couey abducted, raped and killed the 9-year-old.

Couey failed to notify authorities when he moved close to Jessica's home. He was later arrested in Georgia, and a grand jury indicted him in the slaying. Couey pleaded not guilty.

Spurred by the Lunsford case and other recent child-murder and torture cases in the news, Dermer said he began looking for a way Miami Beach could protect its children.

While researching the subject, he discovered a state law that bans adult entertainment displays from within 2,500 feet of a school and thought the same distance should apply to sex offenders.

"Due to the likelihood of recidivism -- the chance that a sex offender is likely to repeat his crimes -- and the nature of the crime itself, clearly a 2,500-foot requirement would be suitable," Dermer said.

City Attorney Murray Dubbin and his staff are drafting a proposed law that the mayor plans to introduce at the City Commission meeting on Wednesday.

A final vote could come as early as next month.

Dubbin does not expect any legal challenge to the proposal.

But Dermer concedes that the Miami Beach ordinance, which

exceeds the 1,000-foot distance mandated by the state another 1,500 feet, may spark concerns that the city is going too far.

It is unclear how the city would enforce the proposed enforcement.

Dermer said the city might not be able to remove sex offenders who own property from their homes.

*Chrystian Tejedor can be reached at [ctejedor@sun-sentinel.com](mailto:ctejedor@sun-sentinel.com)*

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## Search the Florida Statutes

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(10 returns) - 10 returns per page

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1

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1. [948.30 f.s.](#) **Abstract:** 948.30 Additional terms and conditions of probation or community control for certain sex offenses. (c) Active participation in and successful completion of a sex offender treatment program with therapists specifically trained to treat sex offenders, at the probationer's or community controllee's own expense. (d) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, the offender's ...  
**Score:** 87.92%
2. [948.001 f.s.](#) **Abstract:** (2) "Community control" means a form of intensive, supervised custody in the community, including surveillance on weekends and holidays, administered by officers with restricted caseloads. (4) "Drug offender probation" means a form of intensive supervision which emphasizes treatment of drug offenders in accordance with individualized treatment plans administered by officers with restricted caseloads. (6) "Community residential drug punishment center" means a...  
**Score:** 86.58%
3. [947.1405 f.s.](#) **Abstract:** 947.141 may be cited as the "Conditional Release Program Act." 775.23, shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. The department representative shall forward the inmate's release plan to the commission and recommend to the commission the terms and conditions...  
**Score:** 86.58%
4. [985.201 f.s.](#) **Abstract:** (1) The circuit court has exclusive original jurisdiction of proceedings in which a child is alleged to have committed a delinquent act or violation of law. 985.219(8) shall be exercised by the circuit court for the county in which the child is taken into custody, which court shall have personal jurisdiction of the child and the child's parent or legal guardian. (d) This subsection does not prevent the exercise of jurisdiction by any court having jurisdiction of the ...  
**Score:** 79.67%
5. [985.04 f.s.](#) **Abstract:** (1) Authorized agents of the Department of Juvenile Justice may

- Score: 77.42%** administer oaths and affirmations. (2) Records maintained by the Department of Juvenile Justice, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in ss. 402.3055 and the other sections cited above, or pursuant to departmental rule; however, current criminal history information ...
6. [947.16 f.s.](#) **Abstract:** 947.16 Eligibility for parole; initial parole interviews; powers and duties of commission. (a) An inmate who has been sentenced for an indeterminate term or a term of 3 years or less shall have an initial interview conducted by a hearing examiner within 8 months after the initial date of confinement in execution of the judgment. (d) An inmate who has been sentenced for a term of life shall have an initial interview conducted by a hearing examiner within 5 years ...  
**Score: 77.42%**
7. [944.607 f.s.](#) **Abstract:** 944.607 Notification to Department of Law Enforcement of information on sexual offenders. The Department of Corrections shall promptly notify each institution of the sexual offender's presence and any change in the sexual offender's enrollment or employment status. (5) In addition to notification and transmittal requirements imposed by any other provision of law, the department shall compile information on any sexual offender and provide the information to the Department of ...  
**Score: 77.42%**
8. [921.0022 f.s.](#) **Abstract:** (2) The offense severity ranking chart has 10 offense levels, ranked from least severe, which are level 1 offenses, to most severe, which are level 10 offenses, and each felony offense is assigned to a level according to the severity of the offense. (3) OFFENSE SEVERITY RANKING CHART Florida Statute Felony Degree Description (a) LEVEL 1 24.118(3)(a) 3rdCounterfeit or altered state lottery ticket. 322.212(1)(a)-(c) 3rdPossession of forged, stolen, counterfeit,...  
**Score: 77.42%**
9. [921.0012 f.s.](#) **Abstract:** 1921.0012 Sentencing guidelines offense levels; offense severity ranking chart. (3) OFFENSE SEVERITY RANKING CHART Florida Statute Felony Degree Description (a) LEVEL 1 24.118(3)(a) 3rd Counterfeit or altered state lottery ticket. 322.212(1) 3rd Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.  
**Score: 77.42%**
10. [39.0132 f.s.](#) **Abstract:** 39.0132 Oaths, records, and confidential information. (3) The clerk shall keep all court records required by this chapter separate from other records of the circuit court. All court records required by this chapter shall not be open to inspection by the public.  
**Score: 77.42%**

[Prev](#)

1

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9.2.



## **Memo from Mayor Tom Truex**

To: Davie Town Council  
From: Mayor Tom Truex *ttt*  
RE: *A call to action to protect children in Davie from Sexual Predators*  
Date: 5-2-2005

**Summary:** Last week a Davie child was the target of an attempted abduction. Fortunately that attempt was unsuccessful. We know that dangerous sexual predators live in our Town. Davie needs to immediately take all reasonable and lawful action to protect our children from these dangerous offenders.

**Recommended action:**

1. **Enact legislation for prohibition** from sex offenders convicted under certain crimes under Florida Statutes from living **within 2,500 feet** of specified locations (schools, designated public school bus stops, day care centers, parks, playgrounds, etc.) in Davie. The Miami Beach Ordinance is attached as one example.
2. Insure that Davie Residents have access to a **telephone hotline for information** relating to sexual offenders in Davie. The Florida Department of Law Enforcement (FDLE) has a toll-free number (1-888-FL-PREDATOR) or (1-888-357-7332) that allows the public to request information about Sexual Predators and Sex Offenders living in their communities and around the state. The FDLE is only available between the hours of 8 a.m. and 6:30 p.m., Monday through Friday.

3. **Post information, including photographs and flyers**, about sexual offenders in Davie from the FDLE web site ([http://www3.fdle.state.fl.us/sexual\\_predators/](http://www3.fdle.state.fl.us/sexual_predators/)), at Davie Town Hall, Police Department, parks, and other public places
4. **Links to the FDLE web site** from Town of Davie and Davie Police Web sites
5. **Lobby the Florida Legislature to enact state wide legislation** consistent with Davie's prohibition of certain sexual offenders from living within 2,500 feet of designated locations.
6. Immediate creation of a **"Response to Sexual Offenders, Blue Ribbon Panel"** as an "Advisory boards/committees with a limited term of existence," pursuant to Sec. 2-74 of the Davie Code of Ordinances. This panel should consist of citizens who have some familiarity with the issues involved with sexual offenders. Panel members should be leading citizens on whom the Town can rely to study the problem quickly and make definitive recommendations. Pursuant to Ordinance, the Resolution creating this committee should specify:
  - (1) *The specific task(s) of the board:* Identify and propose definite action the Town of Davie should take to protect Davie residents—especially our children—from sexual offenders.
  - (2) *The duration of the term of the board:* one hundred twenty (120) days from the first meeting.
  - (3) *The method of reporting required:* The panel shall issue a final written report during its term of duration. The chairman or designee shall deliver a presentation to the Town Council as requested.
  - (4) *Other matters as requested by the town council:* none
  - (5) *Any special operating rules or instructions:* The panel shall receive public comments, to the extent it deems necessary. The panel shall have the assistance of the Town Attorney, Police Department, and Administration, as coordinated by the Town Administrator. Reasonable resources will be allocated to assist in their work; however the panel may not expend public funds without specific advance written authorization from the Town Administrator/Town Council.

**CITY OF MIAMI BEACH  
OFFICE OF THE CITY ATTORNEY**

**MEMORANDUM**

TO: Jorge M. Gonzalez  
City Manager

FROM: Murray H. Dubbin *MHD*  
City Attorney

SUBJECT: Ordinance Amending Chapter 70 of the Code of the City of Miami Beach, entitled "Miscellaneous Offenses," to create Article VI, to be entitled "Sex Offenders" and creating Section 70-400, entitled "Sex Offender Residency Prohibition," providing for a prohibition from sex offenders convicted of crimes under certain Florida Statutes from living within 2500 feet of specified locations within the City of Miami Beach

DATE: April 18, 2005

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Mayor Dermer has requested that the attached agenda item R9H from the April 20, 2005 City Commission agenda be heard on first reading; a 5/7<sup>th</sup> vote of the City Commission is needed in order for this matter to be heard on first reading as an emergency item.

**R9H** Discussion And Referral To The Neighborhood/Community Affairs Committee Regarding An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," To Create Article VI, To Be Entitled "Sex Offenders" And Creating Section 70-400, Entitled "Sex Offender Residency Prohibition," Providing For A Prohibition From Sex Offenders Convicted Of Crimes Under Certain Florida Statutes From Living Within 2500 Feet Of Specified Locations Within The City Of Miami Beach; Providing For Codification, Repealer, Severability, And An Effective Date.

Agenda Item R5H  
Date 4-20-05



c: Bob.  
Don  
Tim  
Leticia

**CITY OF MIAMI BEACH**  
**OFFICE OF THE MAYOR & COMMISSION**  
**MEMORANDUM**

**TO:** JORGE M. GONZALEZ  
CITY MANAGER

**FROM:** DAVID DERMER  
MAYOR

**DATE:** APRIL 14, 2005

**RE:** DISTANCE SEPARATION

Please place on the 4/20/05 City Commission Agenda for first reading and referral to the Neighborhood/Community Affairs Committee prior to second reading.

Attached is a proposed ordinance which would mandate that designated sexual offenders reside at least 2,500 feet from schools, daycare centers, parks, playgrounds or any other areas where children congregate.

Agenda Item 894  
Date 4-20-05

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "MISCELLANEOUS OFFENSES," TO CREATE ARTICLE VI, TO BE ENTITLED "SEX OFFENDERS" AND CREATING SECTION 70-400, ENTITLED "SEX OFFENDER RESIDENCY PROHIBITION," PROVIDING FOR A PROHIBITION FROM SEX OFFENDERS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES FROM LIVING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE CITY OF MIAMI BEACH; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of Miami Beach are deeply concerned about the numerous recent occurrences in our state and elsewhere, whereby convicted sex offenders who have been released from custody repeat the unlawful acts for which they had originally been convicted; and,

WHEREAS, the Mayor and City Commission of the City of Miami Beach find from the evidence the recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes on children; and,

WHEREAS, the City is becoming an increasingly attractive place of residence for younger families with small children; and,

WHEREAS, the Mayor and City Commission of the City of Miami Beach desire to establish policy which provides the maximum protection of the lives and persons in the City of Miami Beach; and,

WHEREAS, Article VIII, Section 2(b), Florida Constitution and §166.021, Fla. Stat., provide the City authority to protect the health, safety and welfare of its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 70 of the Code of the City of Miami Beach entitled "Miscellaneous Offenses" be amended to read:

ARTICLE VI. SEX OFFENDERS

Sec. 70-400. Sex offender residency prohibition.

- (a) It is unlawful for any person who has been convicted of a violation of §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to reside within 2,500 feet of any school, designated public school bus stop, day care center, park, playground, or other place where children regularly congregate.
- (b) A person who violates this section and whose conviction under §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., was classified as a felony of the third degree, second degree, first degree or higher, shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment; for a second or subsequent conviction of a violation of this section, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the county jail not more than 12 months, or by both such fine and imprisonment.
- (c) This section applies to any person convicted of a violation of §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., for offenses that occur on or after October 1, 2004.

## SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

## SECTION 3. SEVERABILITY

If any section, subsection or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

## SECTION 4. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

## SECTION 5. EFFECTIVE DATE

This ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION:

M. M. D. H.      4-15-05  
City Attorney      Date



October 2002

# NISMART

National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children

J. Robert Flores  
OJJDP Administrator

## Nonfamily Abducted Children: National Estimates and Characteristics

David Finkelhor, Heather Hammer, and  
Andrea J. Sedlak

*The words "missing child" call to mind tragic and frightening kidnappings reported in the national news. But a child can be missing for many reasons, and the problem of missing children is far more complex than the headlines suggest. Getting a clear picture of how many children become missing—and why—is an important step in addressing the problem. This series of Bulletins provides that clear picture by summarizing findings from the Second National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMAART-2). The series offers national estimates of missing children based on surveys of households, juvenile residential facilities, and law enforcement agencies. It also presents statistical profiles of these children, including their demographic characteristics and the circumstances of their disappearance.*

This Bulletin presents results from the initial analysis of nonfamily abduction data collected by the Second National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMAART-2). The NISMAART-2 studies spanned the years 1997 to 1999.<sup>1</sup> All data in the individual component studies were collected to reflect a 12-month period. Because the vast majority of cases were from the studies concentrated in 1999, the annual period referred to in this Bulletin is 1999.

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### Key Findings

- During the study year, there were an estimated 115 *stereotypical kidnappings*, defined as abductions perpetrated by a stranger or slight acquaintance and involving a child who was transported 50 or more miles, detained overnight, held for ransom or with the intent to keep the child permanently, or killed.
- In 40 percent of stereotypical kidnappings, the child was killed, and in another 4 percent, the child was not recovered.
- There were an estimated 58,200 child victims of *nonfamily abduction*, defined more broadly to include all nonfamily perpetrators (friends and acquaintances as well as strangers) and crimes involving lesser amounts of forced movement or detention in addition to the more serious crimes entailed in stereotypical kidnappings.
- Fifty-seven percent of children abducted by a nonfamily perpetrator were missing from caretakers for at least 1 hour, and police were contacted to help locate 21 percent of the abducted children.
- Teenagers were by far the most frequent victims of both stereotypical kidnappings and nonfamily abductions.
- Nearly half of all child victims of stereotypical kidnappings and nonfamily abductions were sexually assaulted by the perpetrator.

### Conceptualizing the Problem

The controversy and confusion that have plagued efforts to estimate the number of children abducted by nonfamily perpetrators stem in part from ambiguities regarding the meaning of the term "abduction." Because the media focus on notorious crimes, such as the kidnappings of Samantha Runnion, Polly Klass, and Adam Walsh, child abduction is conventionally thought of as a life-threatening crime of substantial duration and distance involving strangers. However, as legally defined, an abduction can occur when a person is held against his or her will for a modest amount of time or moved even a short distance, which often occurs in the commission of other crimes. Estimates based solely on the legal definition of abduction would be unlikely to satisfy those

wanting to know about the risk and nature of stereotypical kidnappings, nor would the stereotypical kidnapping estimates alone satisfy those concerned about the phenomenon of abductions in general.

To satisfy both needs, NISMART-2 provides information about nonfamily abductions using two definitions. The narrower concept of *stereotypical kidnapping* pertains to the more serious type of abduction perpetrated by a stranger or slight acquaintance in which a child is taken or detained overnight, transported a distance of 50 or more miles, held for ransom or with the intent to keep the child permanently, or killed. The broader concept of nonfamily abduction includes stereotypical kidnappings but also includes less serious *nonfamily abductions* involving the movement of a child using physical force or threat, the detention of a child for a substantial period of time (at least 1 hour) in a place of isolation using threat or physical force, or the luring of a child

### Defining Nonfamily Abduction and Related Terms

- **Nonfamily abduction:** (1) An episode in which a nonfamily perpetrator takes a child by the use of physical force or threat of bodily harm or detains the child for a substantial period of time (at least 1 hour) in an isolated place by the use of physical force or threat of bodily harm without lawful authority or parental permission, or (2) an episode in which a child younger than 15 or mentally incompetent, and without lawful authority or parental permission, is taken or detained or voluntarily accompanies a nonfamily perpetrator who conceals the child's whereabouts, demands ransom, or expresses the intention to keep the child permanently.
- **Stereotypical kidnapping:** A nonfamily abduction perpetrated by a slight acquaintance or stranger in which a child is detained overnight, transported at least 50 miles, held for ransom or abducted with intent to keep the child permanently, or killed.
- **Stranger:** A perpetrator whom the child or family do not know, or a perpetrator of unknown identity.
- **Slight acquaintance:** A nonfamily perpetrator whose name is unknown to the child or family prior to the abduction and whom the child or family did not know well enough to speak to, or a recent acquaintance who the child or family have known for less than 6 months, or someone the family or child have known for longer than 6 months but seen less than once a month.

younger than 15 years old for purposes of ransom, concealment, or intent to keep permanently. (Nonfamily abduction and related terms are defined more fully in the sidebar on page 2.)

Despite confusion about the meaning of abduction and the impression conveyed by notorious cases, an abduction does not necessarily imply that a child is missing. For example, a child can be abducted on the way home from school, dragged into a remote area, sexually assaulted, and released without being missed by a caretaker or reported as missing to any law enforcement agency. Even in more serious or lengthier stereotypical kidnappings, the victim will not qualify as a missing child if no one notices the child's absence or if the discovery of the child's body is the first evidence of the episode. Thus, the current study counted the child victims of nonfamily abductions who were not missing as well as those who were. (See Examples of NISMART-2 Nonfamily Abductions, page 4.)

The term "missing" itself has somewhat different meanings in different contexts. NISMART-2 characterized two types of missing children: "caretaker missing" children, who were missing from their caretakers whether or not those caretakers alerted any authority about the situation, and "reported missing" children, who were reported to law enforcement for purposes of locating the child. (Caretaker missing means that the child's whereabouts were unknown to the child's primary caretaker, with the result that the caretaker was alarmed for at least 1 hour and tried to locate the child.)

### Methodology

The NISMART-2 data on the two types of nonfamily abductions are the product of different methodologies. Victims of the less serious nonfamily abductions are numerous enough to be estimated through a household-sampling procedure and were thus identified by interviewing caretakers and youth through a national telephone survey of households. Victims of stereotypical kidnappings, however, are rare and therefore difficult to estimate through household sampling without conducting an enormous and prohibitively expensive survey. Thus, a different methodology, one that involved a survey of law enforcement agencies throughout the United States, was used to ensure an accurate estimate of the number of

stereotypical kidnapping victims. The research team assumed that almost all stereotypical kidnappings were serious enough to be reported to and recorded by law enforcement. The sidebar on methodology (page 5) explains how the estimates were derived.

**Adult Caretaker and Youth Household Surveys.** The Household Survey interviews were designed to screen for potentially countable NISMART-2 episodes, collect demographic data on the household and its members, conduct indepth followup interviews specific to each type of episode being researched, and collect data on any actual or attempted sexual assaults that may have occurred during the episode. The Household Surveys screened for potential family abductions, nonfamily abductions, runaway/throwaway episodes, and other missing child episodes that resulted from children being lost or injured or from benign misunderstandings.

Respondents were administered a set of 17 episode screening questions to determine their eligibility for an indepth followup interview designed to collect detailed data on each type of episode. The adult episode screening questions that led to a nonfamily abduction followup interview are presented in the sidebar on page 6. The youth version, administered to youth between the ages of 10 and 18, was essentially the same.

**Law Enforcement Study.** This study collected information from a nationally representative sample of law enforcement agencies by interviewing the key investigating officer in each of the qualifying stereotypical kidnapping cases handled by that agency in 1997. The purposes of the Law Enforcement Study (LES) were to estimate the number of child victims of stereotypical kidnappings during the study year, to learn about the investigation burden of such cases for law enforcement agencies, to describe the circumstances of these stereotypical kidnappings and the characteristics of their perpetrators and victims, and to determine the outcomes.

### Results

An estimated 58,200 children were abducted by a nonfamily perpetrator in the study year, including an estimated 115 victims of stereotypical kidnappings (table 1). As expected, the number of stereotypical kidnapping victims reported in the Household Surveys was not sufficient to

## Examples of NISMART-2 Nonfamily Abductions

### Nonfamily Abduction Examples That Are Not Stereotypical Kidnappings

A 17-year-old girl's ex-boyfriend forced her from her parked car, threw her into his car, and took her to a shopping mall parking lot where he detained her by force for 4 hours. The girl's mother became alarmed when her daughter's employer called to see why the girl had not shown up for work. Upon receiving the call from the employer, the mother drove to the girl's workplace, saw her abandoned car, then called the police to locate the missing child. (Caretaker and reported missing)

A 14-year-old boy was hunting in a park when a strange man appeared, claiming that the boy was trespassing on his property. This was not the case. Nonetheless, the "property owner" detained the boy at gunpoint and forced him to remove his outer garments to see if he had any weapons other than his shotgun. Then, the "property owner" forced the boy into the woods at gunpoint. When the boy did not return home on time, the caretaker became alarmed and tried to find him. When the boy returned home, the police and the park warden were contacted. (Caretaker missing)

A 4-year-old boy was taken on a 20-mile joyride by the schoolbus driver after the rest of the children had been dropped off at their homes. No force or threat was used to transport or detain the child; however, the bus driver concealed the child's whereabouts. When the child did not come home at the usual time, the alarmed caretaker called the school and bus company to locate the child. Then, upon finding out where the child was, the caretaker contacted the police to recover the child. This episode lasted 7 hours. (Caretaker missing)

A babysitter refused to let three children, ages 4, 7, and 10, go home until she was paid for prior babysitting. The babysitter detained the children against their will and did not allow the alarmed caretaker to contact the children because she did not answer the phone. When the babysitter finally answered the phone, she lied, telling the caretaker that the children were on their way home. The caretaker called the police to recover the children from a known location. (Not missing)

A 17-year-old girl was on a date with a long-term acquaintance (a 17-year-old boy) who took her in a car to a dark, secluded area on a mountain, where he tried to rape her. The girl was detained by force and sexually assaulted. In this case, the caretaker was not concerned nor did she call the police because she figured the girl would come home. (Not missing)

A 13-year-old girl was hanging out with "bad kids" (according to her caretaker) and grabbed by a 17-year-old male friend (not a romantic friend) who tried to sexually assault her. The perpetrator used threats and force to take her to his home, where he used force to detain her. The police were called for a reason other than to locate or recover the child. (Not missing)

A 9-year-old girl was lured into the perpetrator's camper trailer with an offer of candy. The perpetrator, a 35-year-old male, detained the child by force in the trailer for an hour while he sexually assaulted her. The police were called for a reason other than to locate or recover the child, and the perpetrator was arrested. (Not missing)

A 15-year-old girl was lured by a friend into the hallway at school, then pushed 25 feet into the boys' bathroom by some older boys who detained her by force and sexually assaulted her before she managed to escape screaming. The school contacted the police to report the crime and the boys were arrested. (Not missing)

A 10-year-old girl was lured with candy and money by an 85-year-old male neighbor and long-term acquaintance into his home, where he sexually assaulted the child. The caretaker did not contact police because she said she had no concrete evidence and the child was not injured. (Not missing)

A 17-year-old boy was with a very recent male acquaintance at the perpetrator's home. The perpetrator detained the boy for an hour by force and sexually assaulted him. The police were not called because the caretaker did not find out about the episode until more than a year later. (Not missing)

A 17-year-old girl was forcibly detained and sexually assaulted in a parking lot at a football game by a 25-year-old male who was an ordinary friend and long-term acquaintance. The police were not called because the girl did not tell her parents. The respondent in this interview was the victim's older sister. (Not missing)

### Examples of Stereotypical Kidnappings

A 12-year-old girl left home for a short jog, telling her mother she would be back in 20 minutes. That was the last time she was seen alive. The police were called to report her disappearance. A few weeks later, the body of the victim was discovered accidentally by a man and his son, who were walking their dog. Police believed that the perpetrator used a blitz attack and grabbed the victim while she was jogging to sexually assault her. (Caretaker and reported missing)

Two 14-year-old girls were spending the night together. In the evening, they walked 12 blocks to a store. The girls were walking back to the house when a car pulled up and two men jumped out, grabbed them, and forced them into the car. One perpetrator had a knife, and told the victims he would kill them. The perpetrators drove to a closed State park. One of the victims was taken out of the car and sexually assaulted. When the girls did not return that night, the police were contacted to report the girls missing. The next morning, a county deputy on a routine patrol of the closed park noticed the car and investigated. He rescued the two girls and apprehended one of the perpetrators. (Caretaker and reported missing)

## Methodology

The nonfamily abduction estimates are based on the combination of nonfamily abduction data collected in the NISMART-2 Household Surveys and the stereotypical kidnapping data collected in the Law Enforcement Study (LES).

The Household Surveys were conducted during 1999 using computer-assisted telephone interviewing methodology to collect information from a national sample of households. A total of 16,111 interviews were completed with an adult primary caretaker, resulting in an 80-percent cooperation rate among eligible households with children and a 61-percent response rate. The total number of children included in the Household Survey of Adult Caretakers was 31,787. Each primary caretaker who completed an interview was asked for permission to interview one randomly selected youth in the household ages 10-18. Permission was granted to interview 60 percent of the randomly selected youth, and 95 percent completed an interview, yielding 5,015 youth interviews.

Both the adult and youth survey data were weighted to reflect the Census-based U.S. population of children. (For details about the weighting procedure and variance estimation, see OJJDP's forthcoming *NISMART-2 Household Survey Methodology Technical Report*.)

The Household Surveys are limited because they may have undercounted children who experienced episodes but were living in households without telephones or were not living in households during the study period, including street children and homeless families. Although these are not large populations in comparison to the overall child population, they may be at risk for episodes.

The LES sample included all law enforcement agencies serving a nationally representative sample of 400 counties. Counties were selected with probabilities proportional to the size of their child populations. There were 400 county sheriff departments and 3,765 municipal police departments serving these counties, for a total sample of 4,165 law enforcement agencies.

Data were collected in two phases. In the first phase, a mail survey was sent to all law enforcement agencies in the sample. This questionnaire asked whether the agency had any stereotypical kidnappings open for investigation during the 1997 calendar year. The response rate for the mail survey was 91 percent. Agencies that reported any stereotypical kidnappings in the mail survey were contacted again in the second phase of data collection, and an extensive followup telephone interview was conducted with the key investigating officer for each case. Data collection was completed for 99 percent of the cases targeted for followup interviews.

Incorporating both phases of the LES, the combined response rate for the study was 91 percent. LES case weights were developed to reflect the probability of the agency and case having been included in the sample and to adjust for nonresponse and refusals.

Data from the Household Surveys and LES were integrated to construct unified estimates of the number of child victims of nonfamily abductions. Two key principles guided this integration:

**Principle 1:** To combine episode data within a study, each sampled child could be counted only once in the unified estimate.

**Principle 2:** To unify episode data across studies, a given subgroup of children could be represented by the data from one study only.

Beginning with the data from the Household Survey of Adult Caretakers, children who qualified as having been victims of nonfamily abduction on the basis of any countable episode other than a stereotypical kidnapping were entered into the unified estimate of nonfamily abducted children. In accordance with the first principle previously described, children who were reported as victims of nonfamily abduction in both the adult and youth interviews were counted only once in the unified estimate. In accordance with the second principle previously described, only the LES data were used as the source for the stereotypical kidnapping estimates because no reliable estimate could be developed from the Household Surveys for this rare subset of nonfamily abducted children.

As noted at the beginning of the Bulletin, the NISMART-2 Household Surveys and Law Enforcement Study spanned the years 1997-99, and all data in each of the individual component studies were collected to reflect a 12-month period. The study years are 1999 for the Household Surveys and 1997 for the Law Enforcement Study. Because the vast majority of nonfamily abducted children were from the studies concentrated in 1999, the annual period referred to in this Bulletin is 1999.

A detailed description of the unified estimate methodology is provided in OJJDP's forthcoming *Unified Estimate Methodology Technical Report*, and details on the findings of the LES are provided in OJJDP's forthcoming *Research Report, Stereotypical Kidnappings: National Estimates and Case Profiles*.

## Household Survey of Adult Caretakers: Nonfamily Abduction Episode Screening Questions

The Household Survey of Adult Caretakers episode screening questions used to determine whether a nonfamily abduction followup interview would be conducted are presented below.

- Was there any time when anyone tried to take [this child/any of these children] away from you against your wishes?
- Was there any time when anyone tried to sexually molest, rape, attack, or beat up [this child/any of these children]?
- In the past 12 months, has anyone attacked or threatened [this child/any of these children] in any of these ways:
  - With any weapon, for instance, a gun or knife?
  - With anything like a baseball bat, frying pan, scissors, or stick?
  - By something thrown, such as a rock or bottle?
  - Including any grabbing, punching, or choking?
  - Any rape, attempted rape, or other type of sexual attack?
  - Any face-to-face threats?
  - Any attack or threat or use of force by anyone at all?

*Something that happens to some children these days is that adults or other youth try to force or trick them into doing something sexual. This includes trying to touch the child's private parts or trying to make the child touch or look at the other person's private parts. Children report that these kinds of things happen with people they know well or trust, such as teachers or relatives.*

- In the past 12 months, has there been a time when an older person, such as an adult, an older teenager, or a babysitter, deliberately touched or tried to touch your child's private parts or tried to make your child touch or look at their private parts when your child did not want it?
- [Has/have] [this child/any of these children] been forced or coerced to engage in unwanted sexual activity by someone [he/she/they] did not know before, a casual acquaintance, or someone [he knows/she knows/they know] well?
- Has anyone ever kidnapped or tried to kidnap [this child/any of these children]?

Table 1. Estimates of Nonfamily Abducted Children

Category	Estimate	95% Confidence Interval*	Percent
<b>All nonfamily abduction victims</b>	<b>58,200</b>	<b>(24,100–92,400)</b>	<b>100</b>
Caretaker missing†	33,000	(2,000–64,000)	57
Reported missing‡	12,100§	(<100–31,000)	21

<b>Stereotypical kidnapping victims</b>	<b>115</b>	<b>(60–170)</b>	<b>100</b>
Reported	90		

Note: Estimates for caretaker missing and reported missing should not be summed because the categories are not mutually exclusive.

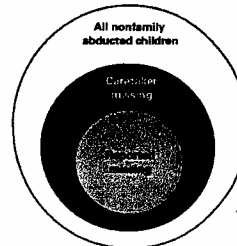
\* The 95-percent confidence interval indicates that if the study were repeated 100 times, 95 of the replications would produce estimates within the ranges noted.

† Whereabouts unknown to caretaker, caretaker was alarmed and tried to locate child.

‡ Missing children whose parents or caretakers have reported them to authorities in order to help locate them.

§ Estimate is based on an extremely small sample of cases; therefore, its precision and confidence interval are unreliable.

¶ Stereotypically kidnapped children were classified as reported missing if the police were notified by someone who discovered the child was missing or someone who witnessed the abduction. Among the stereotypical kidnapping victims, caretaker missing children are the same children as those reported missing.



The diagram illustrates the proportional relationship between the total number of nonfamily abducted children and the number of these children who were caretaker missing and reported missing. It also shows that children who were reported missing are a subset of those who were caretaker missing.

produce a reliable estimate of their incidence from that source; therefore, all of the data on this subset of victims come from the LES. In the following discussion, which describes all nonfamily abducted children and the subset of child victims of stereotypical kidnappings, those who experienced stereotypical kidnappings are such a small part of the overall category that they barely influence the aggregate patterns.

According to the NISMART-2 definitions, an estimated 57 percent of all child victims of nonfamily abduction (approximately 33,000 children) were missing from their caretakers in the study year.

(See table 1 and the accompanying diagram.) Moreover,

an estimated 21 percent of all nonfamily abducted children (approximately 12,100) were also reported to law enforcement as missing. (Unfortunately, both of these numerical estimates are quite imprecise and could actually be quite a bit smaller or larger because they are based on very small numbers of cases.) Stereotypically kidnapped children in this study were considerably more likely to be caretaker missing and reported as missing compared with nonfamily abducted children overall, with 78 percent of victims of stereotypical kidnappings reported missing. Because the estimates are based entirely on cases reported to law enforcement, the estimate for the number of stereotypically kidnapped children who were missing from their

Table 2: Characteristics of Nonfamily Abducted Children

Characteristic of Child	All Nonfamily Abduction Victims (n = 58,200)		Stereotypical Kidnapping Victims (n = 115)		Percent of U.S. Child Population* (N = 70,172,700)
	Percent	Estimate	Percent	Estimate	
<b>Age (years)</b>					
0–5	7 <sup>†</sup>	4,300 <sup>†</sup>	19	20	33
6–11	12 <sup>†</sup>	6,800 <sup>†</sup>	24	25	34
12–14	22 <sup>†</sup>	13,000 <sup>†</sup>	38	45	17
15–17	59	34,100	20	20	17
<b>Gender</b>					
Male	35 <sup>†</sup>	20,300 <sup>†</sup>	31	35	51
Female	65	37,900	69	80	49
<b>Race/ethnicity</b>					
White, non-Hispanic	35	20,500	72	80	65
Black, non-Hispanic	42 <sup>†</sup>	24,500 <sup>†</sup>	19	20	15
Hispanic	23 <sup>†</sup>	13,200 <sup>†</sup>	8 <sup>†</sup>	10 <sup>†</sup>	16
Other	<1 <sup>†</sup>	<100 <sup>†</sup>	2 <sup>†</sup>	<5 <sup>†</sup>	5
<b>Region</b>					
Northeast	<1 <sup>†</sup>	<100 <sup>†</sup>	n/a <sup>‡</sup>	n/a <sup>‡</sup>	18
Midwest	33	19,200	n/a <sup>‡</sup>	n/a <sup>‡</sup>	18
South	59	34,100	n/a <sup>‡</sup>	n/a <sup>‡</sup>	35
West	8	4,800	n/a <sup>‡</sup>	n/a <sup>‡</sup>	29

Note: All estimates are rounded to the nearest 100. Percents may not sum to 100 because of rounding.

\* Age, gender, and race for the U.S. population were based on the average monthly estimates of the population ages 0-17 years for 1999 (U.S. Census Bureau, 2000a). The regional distribution of the population was computed from State-by-State estimates of the population ages 0-17 as of July 1, 1999 (U.S. Census Bureau, 2000b).

<sup>†</sup> Estimate is based on too few sample cases to be reliable.

<sup>‡</sup> n/a = not available.

caretakers does not include any children who were kidnapped and not reported to the police. Such children may exist; however, given the seriousness of stereotypical kidnapping episodes, they are presumed to be extremely rare.

Recent, notorious nonfamily abductions have often involved quite young children, such as 5-year-old Samantha Runnion of Orange County, CA. However, young children, despite the publicity accorded their abduction, are not the most frequent victims of nonfamily abduction. Eighty-one percent of nonfamily abducted children and 58 percent of stereotypical kidnapping victims were

Table 3. Characteristics of Nonfamily Abduction Perpetrators

Characteristic of Perpetrator	Percent of All Nonfamily Abduction Victims (n = 58,200)	Percent of Stereotypical Kidnapping Victims (n = 115)
<b>Identity of main perpetrator</b>		
Friend	17*	—
Long-term acquaintance	21*	—
Neighbor	5*	—
Authority person	6*	—
Caretaker or babysitter	4*	—
Stranger	37*	71 <sup>†</sup>
Slight acquaintance	8*	29 <sup>†</sup>
Someone else	3*	—
<b>More than one perpetrator</b>		
Yes	21*	48
No	79	41
No information	<1*	11*
<b>Main perpetrator's gender</b>		
Male	75	86
Female	25*	7*
No information	<1*	7*
<b>Main perpetrator's age (years)</b>		
13-19	25*	21
20-29	42*	36
30-39	12*	23
40-49	12*	10
50-59	—	—
60-69	—	—
70-79	—	—
80-89	—	—
90-99	—	—
No information	—	—

\* Estimate based on too few sample cases to be reliable.

<sup>†</sup> By definition, stereotypical kidnappings are limited to cases involving strangers and slight acquaintances.

age 12 or older (table 2). Nonfamily abduction victims overall were particularly concentrated among the oldest groups, with 59 percent being 15-17 years old.

Girls were the predominant victims of nonfamily abductions overall and of stereotypical kidnappings as well (65 percent and 69 percent, respectively), reflecting the frequency of sexual assault as a motive for many nonfamily abductions.

Black children appear to be disproportionately represented among the victims of nonfamily abductions but not among stereotypical kidnapping victims. However, this disproportion is not large enough to exclude the possibility that it is a result of random factors in the sample selection. For similar reasons, the absence of any nonfamily abducted children from the Northeast cannot be considered conclusive evidence of lower rates in that region.

Because kidnapping prevention focuses on the danger of strangers, it may be surprising that the majority of nonfamily abduction victims (53 percent) are abducted by persons known to the child: 38 percent of nonfamily abducted children were abducted by a friend or long-term acquaintance, 5 percent by a neighbor, 6 percent by persons of authority, and 4 percent by a caretaker or babysitter (table 3). Strangers abducted 37 percent of the nonfamily abduction victims, and slight acquaintances (considered similar to strangers and including persons who were known but seen infrequently or who may have recently befriended a child) abducted 8 percent. Stereotypical kidnappings, consistent with the most publicized nonfamily abduction cases, are limited by definition to cases perpetrated by strangers and slight acquaintances.

About 1 in 5 victims of nonfamily abductions (21 percent) and almost half the victims of stereotypical kidnappings (48 percent) were abducted by multiple perpetrators (table 3). In instances of multiple perpetrators, episodes were classified according to the child's relationship with the most closely related perpetrator. Thus, an abduction by a babysitter and her boyfriend, who was a stranger to the child, was classified

Table 4: Characteristics of Nonfamily Abductions

Characteristic of Episode	Percent of All Nonfamily Abduction Victims (n = 58,200)	Percent of Stereotypical Kidnapping Victims (n = 115)
<b>Child's location prior to episode</b>		
Own home or yard	5*	16
Other home or yard	18*	3*
Street, car, or other vehicle	32*	40
Park or wooded area	25*	14*
Other public area	14*	n/a†
School or daycare	5*	2*
Store, restaurant, or mall	<1*	8*
Other location	<1*	9*
No information	<1*	8*
<b>Other</b>		
Child		
Other		

\* Estimate is based on too few sample cases to be reliable.

† n/a = not available.

as an abduction by a babysitter. Counting only the main perpetrators (and not the accomplices), 25 percent of the nonfamily abduction victims and 7 percent of the stereotypical kidnapping victims were abducted by females. Perpetrators in their twenties were the main abductors of 42 percent of all nonfamily abducted children and of 36 percent of children who were stereotypically kidnapped. Teenagers abducted 25 percent of all nonfamily abducted children.

Homes or yards were the origination point in only a minority of the abductions of all nonfamily abducted children (23 percent) and of those who were stereotypically kidnapped (19 percent) (table 4). Instead, streets, parks or wooded areas, and other public areas (i.e., generally accessible spaces) were the places from which children were typically abducted. While most of the nonfamily abducted children were moved or taken, 35 percent were detained in an isolated location for at least an hour. The majority of stereotypical kidnapping victims were detained in addition to being moved or taken.

When children were moved, the most common modes of conveyance were carrying the child, taking the child in a vehicle, and walking with the child (table 5). Most children were taken into vehicles (45 percent) or to the perpetrator's home (28 percent) (table 5). Fourteen percent of the stereotypically kidnapped children were moved more than 50 miles.

Table 5: Details Related to the Movement of Nonfamily Abducted Children

Characteristic of Episode	Percent of All Nonfamily Abduction Victims (n = 40,600)*	Percent of Stereotypical Kidnapping Victims (n = 105)*
<b>How child was taken or moved</b>		
Carried	37†	n/a‡
By vehicle	28†	n/a
Walked	35†	n/a
No information	<1†	100
<b>Where perpetrator took child</b>		
Vehicle	45†	n/a
Perpetrator's home	28†	n/a
Building	13†	n/a
Outside area	11†	n/a
Other	2†	n/a
No information	<1†	100
<b>Child was moved more than 50 miles</b>		
Yes	<1†	14
No	100	86

\* Percentages are computed from a baseline of the number of children who were moved.

† Estimate is based on too few sample cases to be reliable.

‡ n/a = not available.

Table 6: Additional Crime Elements in Nonfamily Abductions

Characteristic of Episode	Percent of All Nonfamily Abduction Victims (n = 58,200)	Percent of Stereotypical Kidnapping Victims (n = 115)
Perpetrator sexually assaulted child	46	49
Perpetrator physically assaulted child	31*	33
Perpetrator robbed child	7*	20
Perpetrator used a weapon	40*	49
Perpetrator demanded ransom	25	25

\* Estimate is based on too few sample cases to be reliable.

Criminal assaults were a motive in most of the nonfamily abductions (table 6). Close to half of all nonfamily abduction victims and stereotypical kidnapping victims were sexually assaulted, while about a third were otherwise physically assaulted. Seven percent of the nonfamily abduction victims and 20 percent of the stereotypical kidnapping victims were robbed.

data on episode duration, 29 percent experienced nonfamily abductions that lasted 2 hours or less, and 10 percent had abductions that lasted 24 hours or more (table 7).

Stereotypical kidnappings were defined as episodes lasting overnight (unless there was a homicide, a ransom, or an intent to keep or transport the child 50 miles or more), so it is noteworthy that only 10 percent of stereotypical kidnapping victims had episodes lasting

Weapons were involved in abducting 40 percent of all nonfamily abduction victims and 49 percent of stereotypical kidnapping victims. Knives and guns were both frequently used. Ransom was demanded for 4 percent of all nonfamily abducted children and 5 percent of the subset who were stereotypically kidnapped.

A considerable quantity of information on the exact duration of the episodes was missing (32 percent of all nonfamily abducted children and 18 percent of stereotypical kidnapping victims) (table 7). Among those children with

24 hours or more. Only a very small minority (4 percent) of victims of the most serious stereotypical kidnappings had abductions that were not resolved at the time of data collection.

Nonetheless, 40 percent of stereotypical kidnapping victims were killed, in addition to the 4 percent who were still missing. An additional 32 percent of children who were stereotypically kidnapped received injuries requiring medical attention.

For 53 percent of all nonfamily abduction victims, police were not contacted about the episode for any reason, not even to report the crime (table 8). The reasons for not reporting suggest that some portion of these nonfamily abductions were not thought to involve serious threats to the child.

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Table 7: Duration and Outcome of Nonfamily Abductions

Characteristic of Episode	Percent of All Nonfamily Abduction Victims (n = 58,200)	Percent of Stereotypical Kidnapping Victims (n = 115)
<b>Duration of episode (hours)*</b>		
2 or less	29 <sup>†</sup>	8 <sup>†</sup>
3 to less than 24	62 <sup>†</sup>	83
24 or more	10 <sup>†</sup>	10
<b>Episode outcomes</b>		
Child returned alive	99	57
Returned child was injured	<1 <sup>†</sup>	32
Child was killed	<1 <sup>†</sup>	40
Child not returned and not located	<1 <sup>†</sup>	4 <sup>†</sup>

\* Duration percentages are calculated using the number of children without missing data as the base-line. For nonfamily abductions, this number is 39,800. For stereotypical kidnappings, this number is 95.

<sup>†</sup> Estimate based on too few sample cases to be reliable.

The seasonal distribution of nonfamily abductions and stereotypical kidnappings indicates only that they occur less frequently in winter (table 9).

#### Implications

When, in the wake of notorious kidnappings, parents and reporters clamor for information about the risk children face for such heinous crimes, the best answer currently available based on the data from this study is that an estimated 115 children and youth were the victims of a stereotypical kidnapping in the study year, and that the true number was somewhere between 60 and 170 (this range represents the 95-percent confidence interval around the estimate). This estimate is consistent with the Federal Bureau of Investigation's (FBI's) estimates of the number of abductions by strangers in which, because of their seriousness or duration, Federal law enforcement becomes involved (M. Heimbach, personal communication, August 22, 2002).

The larger number identified in this study, the 58,200 nonfamily abduction victims, represents an estimate of the number of child victims of crimes that meet the legal definition of abduction by a nonfamily perpetrator. Most children's nonfamily abduction episodes do not involve elements of the extremely alarming kind of crime that parents and reporters have in mind (such as a child's being killed, abducted overnight, taken long distances, held for ransom or with the intent to keep the child) when they think about a kidnapping by a stranger.

There was some kind of police contact regarding 47 percent of the nonfamily

Table 3: Police Contact for Nonfamily Abductions

Characteristic of Episode	Percent of All Nonfamily Abduction Victims (n = 58,200)	Percent of Stereotypical Kidnapping Victims (n = 115)
<b>Any police contact</b>		
Yes	47*	100
No	53*	n/a†
<b>Reason police were not contacted‡</b>		
Expected child to return	12*	—
Lack of evidence	9*	—
Caretaker informed too long after abduction	3*	—
Child wanted to protect perpetrator	10*	—
Caretaker not told about abduction	10*	—

\* Estimate is based on too few sample cases to be reliable.

† n/a = not available.

‡ Percentages are computed from a baseline of 30,800, the number of children with no police contact.

Table 9: Season of Nonfamily Abductions

Season of Episode	Percent of All Nonfamily Abduction Victims (n = 58,200)	Percent of Stereotypical Kidnapping Victims (n = 115)
Winter	15*	9*
Spring	36*	28
Summer	30*	29
Fall	19*	33
No information	1*	1*

\* Estimate is based on too few sample cases to be reliable.

abducted children, either to report the child as missing or for other reasons. However, in 53 percent of cases, there was no police contact. Most caretakers who did not contact the police expected the child to return or did not think the episode was particularly serious, and some caretakers were never told about the episode (as revealed by the youth who were interviewed).

In 1988, NISMART-1 estimated that stereotypical kidnappings numbered between 200 and 300 annually (Finkelhor, Hotaling, and Sedlak, 1990). Comparing the new NISMART-2 estimates with these older estimates, people may be inclined to conclude that there has been a substantial decline in stereotypical kidnappings during the past decade. Unfortunately, such a clear-cut conclusion is not scientifically justified by the current evidence because the imprecision of the estimates and differences in the methodologies do not allow it.

The higher estimate of NISMART-1 was obtained using a methodology that differs from the current methodology, and, unlike the current estimate, its precision could not be accurately determined. The actual number of stereotypical kidnappings in the NISMART-1 study year may, in fact, be within the NISMART-2 confidence interval, and thus not significantly different from the NISMART-2 estimate.

Nonetheless, stereotypical kidnappings do not appear to be any more frequent in 1999 than in 1988. Moreover, despite using different methodologies, NISMART-1 and NISMART-2 yield estimates of the same order of magnitude (in the hundreds rather than in thousands), reinforcing confidence that the estimates for both years are in the true range.

The possibility that stereotypical kidnappings have declined is supported by declining rates of juvenile-victim homicides and of sexual and aggravated assaults in the 1990s. Such crimes include instances of and provide the context for many kidnappings by strangers. However, the current data, given their limitations, cannot be used to confirm this possibility.

Comparison of NISMART-1 and NISMART-2 findings with regard to the more general category of nonfamily abduction may also cause confusion. NISMART-1 estimated that approximately 3,200-4,600 children qualified

for a "legal definition" nonfamily abduction known to police, which seems markedly smaller than the estimate of 58,200 victims of nonfamily abduction from NISMART-2.

Although the definitions used in NISMART-1 and NISMART-2 were virtually the same, the NISMART-1 estimate included only nonfamily abductions known to police exclusively and was calculated from a review of police records in which researchers looked for elements of abduction in written case material about reported crimes. The estimate was believed at the time to be a serious undercount because police records so frequently failed to note elements of forced movement or detention in their accounts of crimes like sexual assault. In contrast, the NISMART-2 estimate is based on accounts by victims and their caretakers who were asked systematically in a national survey about possible elements of abduction in the course of crime victimizations. Slightly more than half of the estimated 58,200 nonfamily abducted children from NISMART-2 were not even reported to the police.

Nonetheless, in trying to interpret this new and considerably higher estimate of the number of nonfamily abducted children, several considerations should be kept in mind. First, because the new estimate is based on victim accounts rather than police records, it inherently involves a much lower threshold of seriousness. Moreover, the definition of nonfamily abduction used in NISMART involves modest amounts of coerced movement or detention that are present in many violent and sexual crimes. When children suffer more than 2 million violent crimes each year, including more than 100,000 cases of sexual assault and sexual abuse, it is quite reasonable that tens of thousands of these crimes involve coerced movement and detention (Crimes Against Children Research Center, 1999). Finally, however, even phenomena that occur to tens of thousands of children are hard to estimate with surveys the size of those in NISMART-2. As a result, there is more imprecision and margin of error in the nonfamily abduction estimate than in any of the other NISMART-2 estimates.

The NISMART-2 findings reinforce the 1988 study's conclusion that teenage girls are the most frequent targets of nonfamily abductions and stereotypical

kidnappings. To some extent, this finding contrasts with the image drawn from media accounts of the abduction of very young children such as Adam Walsh and Samantha Runnion. Perhaps the innocence and vulnerability of younger children ensure more publicity and greater notoriety for these cases. Nonetheless, in planning strategies for preventing and responding to nonfamily abductions, it is important to keep efforts from being misdirected by the stereotype of the preteen victim. In fact, the vulnerability of teens needs to be a central principle guiding such planning.

Strategies for prevention and intervention also need to recognize that acquaintances play a greater role than strangers do in abductions that occur outside the family. In the current study, more than half of the nonfamily abduction victims were abducted by persons known to the child. If parents and law enforcement assume that abduction is an element only in crimes committed by strangers, they may fail to provide appropriate prevention information to young people. More attention needs to be given to the motives and dynamics of crimes involving abductions by perpetrators known to the child.

The NISMART-2 results reinforce the generally well known fact that sexual assault is the motive for a considerable percentage of nonfamily abductions. This suggests the importance and usefulness of combining sexual assault prevention strategies and abduction prevention strategies as a way to reduce the rates of both crimes. Recent declines in rates of sexual abuse during the 1990s (Jones and Finkelhor, 2001) point to the possible effectiveness of recent sexual assault prevention strategies, including public awareness, educational programs, and aggressive prosecution to increase general and specific deterrence.

The considerable interest in statistics on nonfamily abduction raises obvious questions about how statistics can be obtained more regularly and systematically. Part of the solution to this problem may come with the full implementation of the National Incident-Based Reporting System (NIBRS), which is being introduced by the FBI to supplant the Uniform Crime Reporting Program (UCR) as the source of national information about crimes known to police. NIBRS, unlike its predecessor,

allows police to indicate when abduction occurs alone or in connection with other crimes.

When NIBRS is fully implemented nationally, it will be able to generate annual estimates of the number of children, known to the police, who are abducted not only by nonfamily perpetrators but also by family members. Unfortunately, only 20 States contributed to NIBRS as of 2000, and its national implementation is unlikely to be complete for another decade. The analysis of these NIBRS data has already yielded some useful conclusions (Finkelhor and Ormrod, 2000), such as the large number and distinctive features of acquaintance kidnapping. However, the NIBRS data are not yet of use in calculating national incidence or tracking national trends.

One question pertaining to NIBRS in connection with child abduction data is how quickly police, who have not had to record the abduction element of crimes systematically under UCR, are going to do so in NIBRS data collection. An additional limitation of NIBRS is that it does not collect the kind of data that would facilitate estimating the incidence of stereotypical kidnapping, as defined by NISMART. To do this, NIBRS would have to collect more data on specific crime episode characteristics, such as the duration of the episode and the distance victims were taken.

The National Crime Information Center (NCIC), to which local police report missing children for whom they are searching, may present an opportunity to track the incidence of stereotypical kidnappings more regularly. At the present time, the NCIC system is not used for statistical or data-gathering purposes.

Finally, conducting studies such as those reported in this Bulletin on a more regular basis would enhance the availability of timely statistics on abducted and missing children.

#### Endnote

1. The reference dates for some of the NISMART-2 component studies vary because of a delay caused by pending Federal legislation that, had it passed, would have made it impossible to conduct the National Household Survey of Youth, a key component of NISMART-2. In anticipation of a quick resolution, OJJDP decided to

proceed with the Law Enforcement Study and the Juvenile Facilities Study because neither involved interviewing youth. Had these 1997 studies been postponed until 1999, it is highly unlikely that those estimates would have been statistically different.

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### For Further Information

*NISMART Questions and Answers*, a fact sheet, offers a straightforward introduction to NISMART-2. It answers anticipated questions—such as *What is NISMART? Have abductions by strangers declined or increased? and Why can't I compare NISMART-1 statistics with NISMART-2 statistics?*—to help explain NISMART's purpose, methodology, and findings.

The first Bulletin in the NISMART series, *National Estimates of Missing Children: An Overview*, describes the NISMART-2 component studies and estimating methodology, defines the types of episodes studied—nonfamily abduction (including stereotypical kidnapping), family abduction; runaway/throwaway; missing involuntary, lost, or injured; and missing benign explanation—and summarizes NISMART-2 estimates of missing children.

All NISMART-related publications are available at OJJDP's Web site, [ojjdp.ncjrs.org](http://ojjdp.ncjrs.org).

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